



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
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PUBLIC NOTICE

**Announcing permit issuance of the
Municipal Stormwater Phase I General Permit**

On January 17, 2007, the Department of Ecology (Ecology) is issuing a general permit to cover municipal stormwater. The title of the permit is "National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Large and Medium Municipal Separate Stormwater Sewers." The permit is also referred to as the "Phase I Municipal Stormwater Permit," or the "Phase I Permit." This final phase I municipal stormwater permit becomes effective on February 16, 2007.

What is being regulated by this permit and who is affected?

The Phase I Permit regulates discharges to waters of the state from large and medium municipal separate storm sewers.

A municipal separate storm sewer system (MS4) is a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and/or storm drains which is:

1. Owned or operated by a city, town, county, district, association, or other public body created pursuant to state law having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer districts, flood control districts or drainage districts, or similar entity
2. Designed or used for collecting or conveying stormwater
3. Not a combined sewer system
4. Not part of a Publicly Owned Treatment Works (POTW) (see 40 CFR 122.2)

This Phase I municipal stormwater permit applies to the cities of Seattle and Tacoma and the unincorporated areas of Clark, King, Pierce, and Snohomish counties. This permit will also apply to special purpose districts located within those jurisdictions including the Ports of Tacoma and Seattle.

A special purpose district is subject to this permit if the district's stormdrain system:

1. Is a public entity
2. Is located within or partially within the cities of Seattle or Tacoma or the unincorporated area of Clark, King, Pierce, and Snohomish counties
3. Owns or operates a stormdrain system that discharges to surface waters

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Special purpose districts that could be subject to this permit include public ports (including the Ports of Tacoma and Seattle), irrigation districts, diking and drainage districts, flood control districts, public schools, public universities, and state agencies. Ecology will regulate special purpose districts subject to this permit as secondary permittees.

This permit will not apply to municipal separate storm sewers systems owned or operated by the Washington State Department of Transportation (WSDOT). MS4s owned or operated by the WSDOT remain covered under the 1995 phase I municipal stormwater general permits. Ecology will be issuing a separate permit to cover WSDOT.

Purpose of the permit:

Federal and state water quality laws require a permit for the discharge of stormwater (see Federal Water Pollution Control Act Title 22 United States Code, Section 1251 et seq., state Water Pollution Control Act RCW 90.48 and Washington Waste Discharge General Permit regulation WAC 173-226-130). The permit addresses these legal requirements and controls the discharge of pollutants to protect surface water and ground water quality in Washington State.

The Phase I Permit requires municipalities and secondary permittees covered by the permit to develop and implement a stormwater management program to control stormwater runoff into and from their storm sewer system. The goals of the stormwater management program are to:

- Reduce the discharge of pollutants to the “maximum extent practicable”
- Protect water quality
- Satisfy appropriate requirements of the Clean Water Act

How to obtain a copy of the permit:

The final Phase I Permit, fact sheet, response to comments and application (Notice of intent to be covered or NOI) are available online at:

http://www.ecy.wa.gov/programs/wq/stormwater/municipal/issue_permits.html

To obtain printed copies of the final Phase I Permit, fact sheet, response to comments and NOI, contact:

Kathleen Emmett
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
Phone (360) 407-7386; Fax (360) 407-6426; E-mail kemm461@ecy.wa.gov

Ecology will hold public workshops on the final permit; for information please visit Ecology's website at

http://www.ecy.wa.gov/programs/wq/stormwater/municipal/issue_permits.html

How to apply for the NPDES MS4 permit

Appendix 5 of the permit contains the forms, instructions and sample public notice information. If you need to apply for coverage under the Phase I municipal stormwater permit, complete these three basic steps:

1. Completely fill out the Notice of Intent
2. Send a complete Notice of Intent to:
Department of Ecology
Water Quality Program
Municipal Stormwater Permits
P.O. Box 47696
Olympia, WA 98504-7696
3. Publish a notice at least once a week for two consecutive weeks in a single newspaper of general circulation in the county or city in which your district is located.

Operators of **regulated MS4s** who fail to submit an NOI by February 16, 2007, could be in violation of the clean water act for discharging without a permit.

Changes from the draft to the final general permit

Ecology made numerous changes to improve clarity and readability of the permit. The following are some of the more significant changes made between the draft and final permit:

- In the final permit, Ecology revised Special Condition S4 *Compliance with Standards* and added a procedure that permittees must follow if Ecology determines that the permittee is causing or contributing to a violation of state water quality standards.
- The final permit contains revised exceptions and variance criteria in Appendix 1. The permittees may use the criteria to determine exceptions and variances to the minimum requirements for new development and redevelopment.
- The deadline for adopting ordinances and implementing the new permit requirements to control stormwater runoff from new development, redevelopment, and construction sites was extended in the final permit from 12 months to 18 months from the effective date of the permit.
- Ecology simplified record keeping and cost accounting requirements in the final permit.

Appeal Process

The permit may be appealed within thirty (30) days. Pursuant to chapter 43.21B RCW, appeals must be filed with the Pollution Control Hearings Board and served on the Department of Ecology within thirty (30) days of receipt of the permit.

Your notice of appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your notice of appeal must also be served on:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608.

In addition, please send a copy of your notice of appeal to:

Department of Ecology
Kathleen Emmett,
P.O. Box 47600
Olympia, WA 98504-7600